



STAFF REPORT

August 21, 2003

Consideration of appointment of candidates to the offices of City Council, City Clerk, and City Treasurer that were to be elected on November 4, 2003.

Honorable Mayor and Council Members:

Summary

The General Municipal Election to elect two members of the City Council, one City Treasurer and one City Clerk for Belmont is scheduled for November 4, 2003. This election may be cancelled because there are not more candidates than offices to be elected.

Background and Discussion

As of the 5:00 P.M., August 13, 2003 nomination period deadline two candidates for City Council (Dave Warden/Phillip Mathewson) one candidate for City Treasurer (John Violet) and one candidate for City Clerk (Terri Cook) qualified for the respective seats to be voted on at the General Municipal Election on Tuesday, November 4, 2003.

Elections Code 10229 states that if there are not more candidates than offices to be elected at a municipal election, one of the following courses of action may be taken by the City Council:

1. Appoint to the office the person who has been nominated;
2. Appoint to the office any eligible voter if no one has been nominated; or
3. Hold the election if either no one or only one person has been nominated.

By Resolution, the City Council may appoint Dave Warden, Phillip Mathewson, John Violet and Terri Cook to the offices to which they were nominated. The persons appointed shall qualify and take office and serve exactly as if elected at a municipal election for the office.

If the City Council does not take action to appoint the candidates by the 75th day before the election, August 21, Elections Code 10229 states that the election will be held. This would allow for write-in candidates.

Public notification of the nomination period consisted of a Notice of Election published in the San Mateo Times and The Independent, a notice posted at City Hall, the Post Office, the Center

for the Independence of the Disabled, the Twin Pines Park Reader Board and the city website. A press release was issued to all the local newspapers, the neighborhood associations and the Chamber of Commerce.

Fiscal Impact

The estimated cost of the election is \$15,000, based on figures supplied by the County of San Mateo. This amount has been budgeted in the 2003-04 budget, and thus would be saved if no election is held. The city will incur nominal charges from the county for the process done to date.

Recommendation

It is recommended that the City Council adopt a resolution providing for the appointment of candidates nominated to the offices of City Council, City Treasurer and City Clerk that were to be elected at the General Municipal election on Tuesday, November 2, 2003 and canceling the municipal election.

Alternatives

Council could take no action and the election will be held as scheduled.

Attachments

1. Resolution
2. City Clerk's Certification
3. Notice that there are not more candidates than offices to be elected (published in San Mateo Times on August 16, 2003)

Respectfully submitted,

Sheila Harrington
Deputy City Clerk

Jere A. Kersnar
City Manager

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT, CALIFORNIA,
PROVIDING FOR THE APPOINTMENT TO THE OFFICES OF THIS CITY THAT WERE TO
BE ELECTED ON TUESDAY, NOVEMBER 4, 2003.**

WHEREAS, pursuant to Section 10229 of the Elections Code of the State of California, as of the close of the nomination period on August 13, 2003, there are not more candidates than offices to be elected and that Section 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council:

1. Appoint to the office the person who has been nominated.
2. Appoint to the office any eligible voter if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

WHEREAS, a notice was published on August 16, 2003, in a newspaper of general circulation pursuant to law.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council Of The City Of Belmont, California, does hereby declare, determine and order as follows:

Section 1. That pursuant to Section 10229 of the Elections Code of the State of California, the following action is being taken:

- (a) The following persons are being appointed to the offices to which they were nominated, and the election scheduled to be held on Tuesday, November 4, 2003, is now canceled:

Terri Cook, City Clerk

John Violet, City Treasurer

Dave Warden, City Council

Phillip Mathewson, City Council

Section 2. The persons appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office.

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a special meeting thereof held on August 21, 2003, by the following vote:

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

CLERK of the City of Belmont

ATTEST:

MAYOR of the City of Belmont

**CITY CLERK'S CERTIFICATION THAT THERE ARE
NOT MORE CANDIDATES THAN OFFICES TO BE ELECTED**

I, Sheila Harrington, Deputy City Clerk of the City of Belmont, California, do hereby certify that pursuant to Section 10229 of the Elections Code of the State of California, to the following facts relating to the General Municipal Election to be held on Tuesday, November 4, 2003:

As of the close of the nomination period on August 13, 2003, there are not more candidates than offices to be elected.

The persons so nominated are:

Terri Cook, City Clerk
John Violet, City Treasurer
Dave Warden, City Council
Phillip Mathewson, City Council

That Section 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council:

1. Appoint to the office the person who has been nominated.
2. Appoint to the office any eligible voter if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

A notice of these facts will be published on Saturday, August 16, 2003, in a newspaper of general circulation in the city pursuant to Section 6061 of the Government Code. After the fifth day following the date of publication, the City Council will meet again to either make the appointments or direct an election to be held. The person(s) appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office.

If, by the 75th day before the municipal election, no person has been appointed to the offices pursuant to (1) or (2) above, the election shall be held.

If the City Council makes an appointment pursuant to Section 10229 of the Elections Code, the City Clerk shall not accept for filing any statement of write-in candidacy that is submitted after the appointment is made.

Deputy City Clerk of the City of Belmont

**CITY OF BELMONT
NOTICE THAT THERE ARE
NOT MORE CANDIDATES THAN OFFICES TO BE ELECTED**

NOTICE IS HEREBY GIVEN that pursuant to Section 10229 of the Elections Code of the State of California, relating to the General Municipal Election in the City of Belmont to be held on Tuesday, November 4, 2003:

As of the close of the nomination period on August 13, 2003, there are not more candidates than offices to be elected.

That Section 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council:

1. Appoint to the office the person who has been nominated.
2. Appoint to the office any eligible voter if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

The City Council will meet on August 21, 2003 beginning at 6 P.M. at Belmont City Hall, 1070 Sixth Avenue, Suite 101, to either make the appointments or direct an election to be held. The persons appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office.

If, by the 75th day before the municipal election, no person has been appointed to the offices pursuant to (1) or (2) above, the election shall be held.

If the City Council makes an appointment pursuant to Section 10229, Elections Code, the City Clerk shall not accept for filing any statement of write-in candidacy that is submitted after the appointment is made.

Deputy City Clerk of the City of Belmont

Dated: August 13, 2003

Publication: San Mateo Times, August 16, 2003